

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39081 of 2014

Arising Out of PS.Case No. -41 Year- 2010 Thana -C.B.I CASE District- PATNA

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S. Ahmad Hussain son of Late S. Ashique Hussain resident of village -
Jamuara, P.S. and District - Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance Investigation Bureau Department ,
Serpentine Road, Patna through its Additional Director General

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Adv.

For the Opposite Party/s : Mr. Ramakant Sharma (Law Off. Vig)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

10 07-05-2015

The petitioner seeks quashing of the order dated 08.01.2014 by which the Special Judge Vigilance (Trap) has refused to release Rs. 7,88,000/- seized in connection with Special Case No. 27 of 2010.

The brief facts of the case is that the petitioner's brother was arrested while taking illegal gratification. Later his house was raided on 14.05.2010 and the aforesaid money was seized along with household and other articles. When the petitioner made prayer for release of the same on the ground that amount belongs to him and no useful purpose would be served in keeping it in custody, the Court below rejected it holding that D.A case was going on.

The petitioner then filed the instant petition after ascertaining that no D.A. case had been instituted till the date of

filing of this application. When instructions were sought, the Vigilance conceded that it was only instituted in the April 2015 and not on the date of refusal i.e. 08.01.2014.

The submission of the petitioner is that even though he seeks release of the aforesaid amount in the light of the decisions of the Apex Court in respect to such articles but he undertakes to return the same if the accused in the present case is convicted.

Considering the aforesaid, the petitioner is directed to undertake a bond within a period of three weeks that he will produce the amount as and when the Court requires it to do so in the confiscation proceeding.

The Court below is directed to release the same on furnishing of the aforesaid bond subject to the outcome of the confiscation proceeding.

This Court makes it clear that it has not expressed its mind on the veracity of the claim of the accused.

With these observations, the application stands disposed off.

(Anjana Prakash, J)

Prakash/-

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